

September 18, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

08SN0107

Pristine Development LLC

Matoaca Magisterial District
Ettrick Elementary, Matoaca Middle and Matoaca High Schools Attendance Zones
Off the south line of Woodpecker and Lakeview Roads

REQUEST: Rezoning from Agricultural (A) and Residential (R-9) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A mixture of residential uses to include single family and cluster homes and townhouses along with supporting recreational uses is proposed. Except for certain lots with sole access through adjacent residentially zoned properties which would be limited to a maximum density of 1.8 dwelling units per acre, the applicant has agreed to limit the development to an overall density of 2.5 dwelling units per acre yielding a maximum of approximately 178 dwelling units. (Proffered Condition 3)

RECOMMENDATION

Recommend approval, subject to the applicant addressing staff's concerns relative to the numbering of proffered conditions, the existing pond, ownership and maintenance of open space, development standards for townhouses and identification of recreational areas, for the following reasons:

- A. The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1.01 – 2.5 units per acre.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and

Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- C. The application fails to address concerns relative to the numbering of the proffered conditions, the hydraulic and structural integrity of the existing pond, ownership and maintenance of open space, development standards for townhouses and identification of recreational areas as discussed herein.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT A REVISED PROFFERED CONDITION WAS NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THE REVISED PROFFERED CONDITION.)

PROFFERED CONDITIONS

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall be immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated July 16, 2007 shall be considered the Master Plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

4. Density. The overall density of residential dwelling units on the Property shall not exceed two and one half (2.5) units per acre. Any lot(s) that have sole access through adjacent properties zoned Residential (R-9) and (R-12) shall have an overall density not to exceed 1.8 units per acre; provided, however, such restriction shall not apply to any lots that have access through such adjacent properties by way of a collector or arterial roadway. (P)
5. Impacts on Capital Facilities. Prior to the issuance of the building permit for each unit, the Applicant, subdivider, or assignee(s) (“Developer”) shall pay the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
 - a. If payment is made prior to July 1, 2008, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations and \$5,331.00 for schools; or
 - b. If payment is made after June 30, 2008, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 5a above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2007, and July 1 of the fiscal year in which the payment is made.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B & M)
6. Dedication of Right-of-Way. In conjunction with recordation of the initial subdivision plat, a ninety (90) foot wide right-of-way for an east/west major arterial (the “East/West Arterial”) from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
7. Access Plan. Prior to any tentative subdivision approval, an access plan for the East/West Arterial shall be submitted to and approved by the Transportation Department. Access for the property shall conform to the approved access plan. (T)
8. Road Improvements. The developer shall be responsible for the following improvements:

- a. Construction of two (2) lanes of the East/West Arterial to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from the eastern property line to the western property line.
 - b. Construction of left and right turn lanes along the East/West Arterial at each approved access, based on Transportation Department standards.
 - c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in this Proffered Condition. (T)
9. Phasing Plan for Road Improvements. Prior to any subdivision construction plan approval, a phasing plan for the improvements identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)

GENERAL INFORMATION

Location:

Lies off the south line of Woodpecker Road, south of its intersection with Lakeview Road. Tax IDs 789-619-4223 and 790-618-0133.

Existing Zoning:

A and R-9

Size:

71.5 acres

Existing Land Use:

Vacant/wooded

Adjacent Zoning and Land Use:

North, South and West – A; Agricultural/forestall, single family residential on acreage parcels or vacant
East - R-12 & R-9; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line along Stonewood Manor Drive in “Stonewood Manor” Section 1, approximately 1,600 feet south of this site. In addition, an eight (8) inch water line extends along Rollingside Drive in Forest View subdivision, and terminates adjacent to Lakeview Drive approximately 4,000 feet northeast of this site. Development of properties northeast and east of the request site will ultimately extend the public water system to the eastern boundary of the request site. Use of public water is required by County Code.

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along Old Towne Creek approximately 2,200 feet east of this site. Development on properties northeast and east of the request site will ultimately extend a wastewater trunk line along Big Branch of Old Town Creek. This as yet un-sized wastewater trunk line, when completed, will terminate adjacent to the northeast corner of the request site. Extension of the public wastewater system along Big Branch of Old Town Creek will be necessary to serve the northern portion of this site as well as to facilitate future upstream development. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the north and the northeast to a tributary of Old Town Creek and then via Old Town Creek to the Appomattox. There are currently no known on- or off-site drainage or erosion problems and none are anticipated after development.

There is currently a pond that straddles the eastern property line with the dam being on the adjacent property. All of this property is currently owned by the applicant. If drainage from any impervious area drains into the pond, and the pond is to remain, then the developer should agree to analyze the pond for structural stability and hydraulics and implement any recommendations. The developer has not agreed to perform this analysis and improve the dam if necessary. The structural stability and hydraulics of the pond are a concern and should be addressed.

The subject property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. (Proffered Condition 2)

Water Quality:

A stream appears to be located through the center of the properties and, as such, prior to tentative submission, the developer must perform a Perennial Flow Determination (PFD) and have submitted and approved by the Environmental Engineering's Water Quality Section. If this stream is perennial, it will be subject to a 100 foot conservation easement like the stream that runs along the north property line, inside of which the uses are very limited.

PUBLIC FACILITIES

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the adopted Capital Improvement Program and further detailed by specific departments in the applicable section of this request analysis.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on 178 dwelling units, this request will generate approximately forty-one (41) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 5)

The Swift Creek Fire Station, Company 16, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately ninety-four (94) students (Elementary: 41, Middle: 23, and High: 30) will be generated by this development. Currently this site lies in the Ettrick Elementary School attendance zone: capacity - 568, enrollment - 509; Matoaca Middle School zone: capacity - 1,415, enrollment - 1,058; and Matoaca High School zone: capacity - 1,594, enrollment - 1,681. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007.

This request will have an impact on school facilities. There is currently one (1) trailer at Ettrick Elementary and four (4) trailers at Matoaca Middle. This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has

offered measures to assist in addressing the impact of this development on schools. (Proffered Condition 5)

Libraries:

Consistent with Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Chesterfield County Public Facilities Plan identifies a need for additional library space throughout the County. Development of the request property would most likely affect the Ettrick-Matoaca Library. The Public Facilities Plan identifies the need for additional library space in the Ettrick-Matoaca area. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 5)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, there is currently a shortage in community and neighborhood park acreage. The Public Facilities Plan identifies the need for linear parks and resource based special purpose parks (historical, cultural and environmental) and makes suggestions for their locations. The Plan also addresses the need for additional recreational facilities to include sports fields, trails, playgrounds, court games, senior centers and picnicking areas/shelters at existing parks to complete build-out. The Plan also identifies the need for water access and trails to preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impact of this development on parks facilities. (Proffered Condition 5)

Police Department:

The applicant is proposing to build a high density residential project. With the support of the County Administration, the Police Department seeks to have developers of new high density residential projects implement its recommendations for Crime Prevention Through Environmental Design (CPTED) which are planning and designing principles that constitute proactive crime prevention tools. Through CPTED principles, proper design and effective use of the environment can lead to a reduction in the fear and incidence of crime. In addition, the Police Department recommends that high density residential projects either enter into a contract for the permanent presence of a police officer on the premises or annually submit a security plan to it for review and approval. The applicant has addressed the Police Department's security concerns its submissions; accordingly, the Police Department supports the applicant's request. (Textual Statement)

Transportation:

The property (71.5 acres) is currently zoned Agricultural (A) and Residential (R-9), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a

maximum density of 2.5 units per acre, which could yield 178 units (Proffered Condition 4). Based on single-family trip rates, development could generate 1,770 average daily trips. These vehicles will be initially distributed along the streets in Stone Manor Subdivision to Hickory Road, which had a 2006 traffic count of 3,482 vehicles per day.

The Thoroughfare Plan identifies a proposed east/west major arterial with a recommended right of way width of ninety (90) feet, extending from Woodpecker Road eastward through Stone Manor Subdivision and through the property. The applicant has proffered to dedicate a ninety (90) foot wide right of way for an east/west major arterial (i.e., the “East/West Arterial”) through the property. (Proffered Condition 6)

Access to major arterials, such as the East/West Arterial, should be controlled. The applicant has proffered that an access plan will be submitted, at time of tentative subdivision plat review for Transportation Department review and approval, which will show access from the property to the East/West Arterial (Proffered Condition 7). Access to the East/West Arterial will be based on the approved access plan.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct two (2) lanes of the East/West Arterial from the eastern property line to the western property line; and 2) construct left and right turn lanes along the East/West Arterial at each approved access, based on Transportation Department standards (Proffered Condition 8). Based on Transportation Department standards, left and right turn lanes along the East/West Arterial are anticipated to be warranted at each collector street intersection.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Hickory Road will be directly impacted. Sections of Hickory Road have approximately twenty (20) foot wide pavement with no shoulders. The capacity of this section of Hickory Road is acceptable (Level of Service C) for the volume of traffic it carries (3,482 VPD).

The applicant has also proffered to contribute cash, in an amount consistent with the Board of Supervisors’ Policy, towards mitigating the traffic impact of the residential development (Proffered Condition 5). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

The Virginia Department of Transportation’s (VDOT) “Chapter 527” regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT’s regulations will have on the development process or upon zonings approved by the county.

At time of tentative subdivision review, specific recommendations will be provided regarding the internal street network and providing stub road rights-of-way to adjacent properties.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	178*	1.00
Population Increase	484.16	2.72
Number of New Students		
Elementary	41.47	0.23
Middle	23.14	0.13
High	30.08	0.17
TOTAL	94.70	0.53
Net Cost for Schools	951,944	5,348
Net Cost for Parks	107,512	604
Net Cost for Libraries	62,122	349
Net Cost for Fire Stations	72,090	405
Average Net Cost for Roads	1,785,344	8,942
TOTAL NET COST	2,785,344	15,648

*Based on a proffered maximum density of 2.5 dwelling units per acre (Proffered Condition 4). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development.

Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 5)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1.01 – 2.5 units per acre.

Area Development Trends:

Properties to the north, south and west are zoned Agricultural (A) and are occupied by agricultural and/or forestall uses, single family residential uses on large acreage parcels or are vacant. Properties to the east are zoned Residential (R-9) and Residential (R-12) and are occupied by single family residential uses or are vacant. It is anticipated that residential development will continue in the area at densities suggested by the Plan.

Zoning History:

A small portion of the request property (located at its northeast corner) was zoned Residential (R-9) in June 1988 as part of a rezoning request of 117.1 acres (Case 88SN0030), the majority of which property is adjacent to the eastern boundary of the request property. This adjacent property is being developed as Stonewood Manor Subdivision.

Site Design:

The 71.5 acre tract proposed for R-12 zoning may be developed for cluster homes, townhouses and/or single family residential uses, all of which are discussed in further detail herein. If the property is developed for more than one (1) dwelling type, the Textual Statement requires the submission of a conceptual plan to either the Planning Commission or Planning Department for approval. At the time of review of a conceptual plan, conditions may be imposed to insure land use compatibility and transition. (Textual Statement 1)

Density and Sole Access:

A maximum of 2.5 dwelling units per acre has been proffered, yielding an overall maximum of approximately 178 dwelling units (Proffered Condition 4). However, access to the development is proposed through adjacent properties to the east and northeast currently zoned Residential (R-9) and Residential (R-12). Zoning conditions for these two (2) adjacent properties limit development of these properties to an average of 1.8 dwelling units per acre (Cases 88SN0030 and 05SN0234). Should access through these adjacent properties provide sole access to the subject property, density compatibility with these adjacent properties would need to be addressed. As such, the applicant has proffered that any lots that have sole access through these adjacent properties will have a density not to exceed 1.8 units per acre. This restriction would not

apply to any lots that have access through these adjacent properties by way of a collector or arterial road.

Common Areas:

Where common areas are to be provided within any townhouse areas of the proposed development, the Textual Statement requires that the ownership and maintenance responsibilities be established (Textual Statement 3.c). The Textual Statement should be revised to clarify ownership and maintenance responsibilities for all common areas, even in those areas proposed for cluster and single family residential dwellings.

Buffers:

If the property is developed for cluster or townhouses, buffers required by the Subdivision Ordinance will be located within common open space. (Textual Statement 4.b)

Dwelling Types:

As previously noted, single family residential dwellings, cluster homes and townhouses are proposed. These uses will be developed as follows:

Cluster Homes:

Cluster homes are proposed on individual lots having a minimum area of 5,000 square feet. These homes will meet the minimum standards of the Ordinance for R-12 Districts except that minimum lot widths and setbacks may be reduced. (Textual Statement 2)

Townhouses:

Townhouses are proposed on lots having a minimum area of 920 square feet. As previously noted, the request property would be subject to requirements of the Residential (R-12) Zoning District. Therefore, townhouses will be subject to R-12 District requirements except as provided in the Textual Statement relative to lot size and width and setbacks. Staff would suggest that the Textual Statement be revised to clarify whether the townhouse developments will meet R-12 District standards or the Residential Townhouse (R-TH) District standards. There are certain aspects of the R-12 District standards, written to accommodate detached single family residential uses, that would make development of a townhouse project difficult such as the percentage of lot coverage. The textual statement does not address typical townhouse standards such as group or row design, common areas, recreational areas, and architectural and landscaping plans.

Single Family Residential:

Single family residential uses would be required to be developed in accordance with Ordinance requirements for Residential (R-12) Districts. The minimum lot size would be 12,000 square feet.

Cluster Standards:

The requirements offered for cluster home and townhouse areas are consistent with those typically required by the Commission and Board on similar projects recently approved.

Recreation Areas and Open Space:

Active and passive recreational areas may be provided throughout the development subject to certain restrictions to minimize the impact of these recreational uses on surrounding residential uses (Textual Statement 5). Standards should be added to require the location of all recreational uses to be identified in conjunction with the submittal of the first tentative subdivision plan and to require active recreational areas to be identified on the record plat where such areas are adjacent to any lot(s).

Within each cluster home and townhouse development, a minimum of .75 acres of open space would be located as a focal point (Textual Statement 4.d). Also, within the cluster home and townhouse developments, where lot areas are reduced below the minimum 12,000 square feet, the Ordinance will require that comparable amount of square footage be placed in open space.

Numbering of Proffered Conditions:

Proffered Conditions are not numbered sequentially. There was no proffered condition submitted numbered as 3, however, the subsequent proffered conditions are numbered as if there were. The numbering of the proffered conditions should be corrected.

CONCLUSIONS

While the proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for single family residential use of 1.01 – 2.5 units per acre, the application fails to address staff's concerns relative to the numbering of the proffered conditions, the hydraulic and structural integrity of the existing pond, ownership and maintenance of open space, development standards for townhouses and identification of recreational areas as discussed herein.

The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital

facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended subject to addressing staff's concerns relative to numbering of the proffered conditions, the existing pond, open space, standards for townhouses and recreational areas.

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Pristine Development LLC
Textual Statement

This is a request to rezone 71.5 acres of Property to R-12 with Conditional Use Planned Development (CUPD) that will permit uses permitted in the Residential (R-12) District, cluster homes, townhouses, and active and passive recreation.

1. Mixing of Uses. Within the Property there shall be no "mixing" of residential uses (e.g., if the Property is to be developed for Residential (R-12) uses, all of the Property shall be developed for Residential (R-12) uses); provided, however, the mixing of uses may be permitted if a conceptual plan is submitted for review and approval and the conceptual plan addresses land use transitions and compatibility between uses within the Property itself as well as with adjacent properties. Consideration of land use compatibility and transitions may include, but not necessarily be limited to, the exact location of uses, buffers, and site design. Such conceptual plan shall be approved by either the Planning Commission or the Planning Department, at the election of the developer, and such review shall be subject to appeal in accordance with provisions of the Zoning Ordinance for site plan appeal.

2. Standards Applicable to Cluster Homes.

Except as expressly stated herein, cluster homes shall meet the requirements for the R-12 District:

- a. Lot Size and Width. The minimum lot size shall be five thousand (5,000) square feet in area and a width of fifty (50) feet.
- b. Yards. For principal structures, front, corner/side, and rear yards shall have a minimum depth of twenty-five (25) feet. Accessory structures shall have front and corner side yards no closer than the front or corner side yards of the dwelling units.

3. Standards Applicable to Townhouses

Townhouses shall meet the following requirements:

- a. Lot Size and Width. The minimum lot size shall be 920 square feet in area and have a minimum width of twenty (20) feet.
- b. Yards. For principal structures, front, corner/side, and rear yards shall have a minimum depth of five (5) feet; provided that no side yard shall be required between attached units within a single row of townhouses. Accessory structures shall have front and corner side yards no closer than the front or corner side yards of the dwelling units.

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PLANNING DEPT.**

- c. Common areas shall be maintained by a homeowners association.
- 4. The design of any townhouse project shall meet the Crime Prevention through Environmental Design (CPTED) standards, as approved by the Chesterfield County Police Department, whenever practicable. If the project experiences Group A crime incidents above the County average for a year or longer, then the owner or successor shall submit a security plan to the Chesterfield County Police Department for review and approval.
- 4. Standards Applicable to Cluster Homes and Townhouses
 - a. Sidewalks. Sidewalks shall be provided that facilitate pedestrian access within the cluster home or townhouse development, to any recreational areas serving the cluster home or townhouse development, and to sidewalks in an adjacent section of the overall project that are required under the County's Residential Sidewalk Policy. The exact location and design of the sidewalks shall be determined by the County at the time of tentative subdivision review; provided, however, that, unless otherwise approved by the Planning Commission at time of subdivision review upon a determination that an alternative system will accomplish the spirit and intent of this requirement, sidewalks shall be installed on those portions of both sides of all roads that have cluster homes or townhouses fronting on the road.
 - b. Buffers. Buffers required by the Subdivision Ordinance along roads shall be located within recorded open space.
 - c. Paved Driveways. All dwelling units within cluster home or townhouses development shall have paved driveways. The exact treatment shall be approved at the time of tentative subdivision plan review.
 - d. Focal Point. A minimum of 0.75 acres of open space shall be located and positioned to provide a "focal point" as one enters each cluster home or townhouse development. Part of this area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate outdoor gatherings. This area shall be developed concurrently with the development of the first phase of each cluster home or townhouse development, and its exact design and location shall be approved at the time of tentative subdivision review.
 - e. Street Trees. Street trees shall be planted or retained along each side of all public roads where there are sidewalks. The exact spacing, species, and size shall be approved at the time of tentative subdivision plan review.
 - f. Garages. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit.

5. Standards Applicable to Recreational Facilities

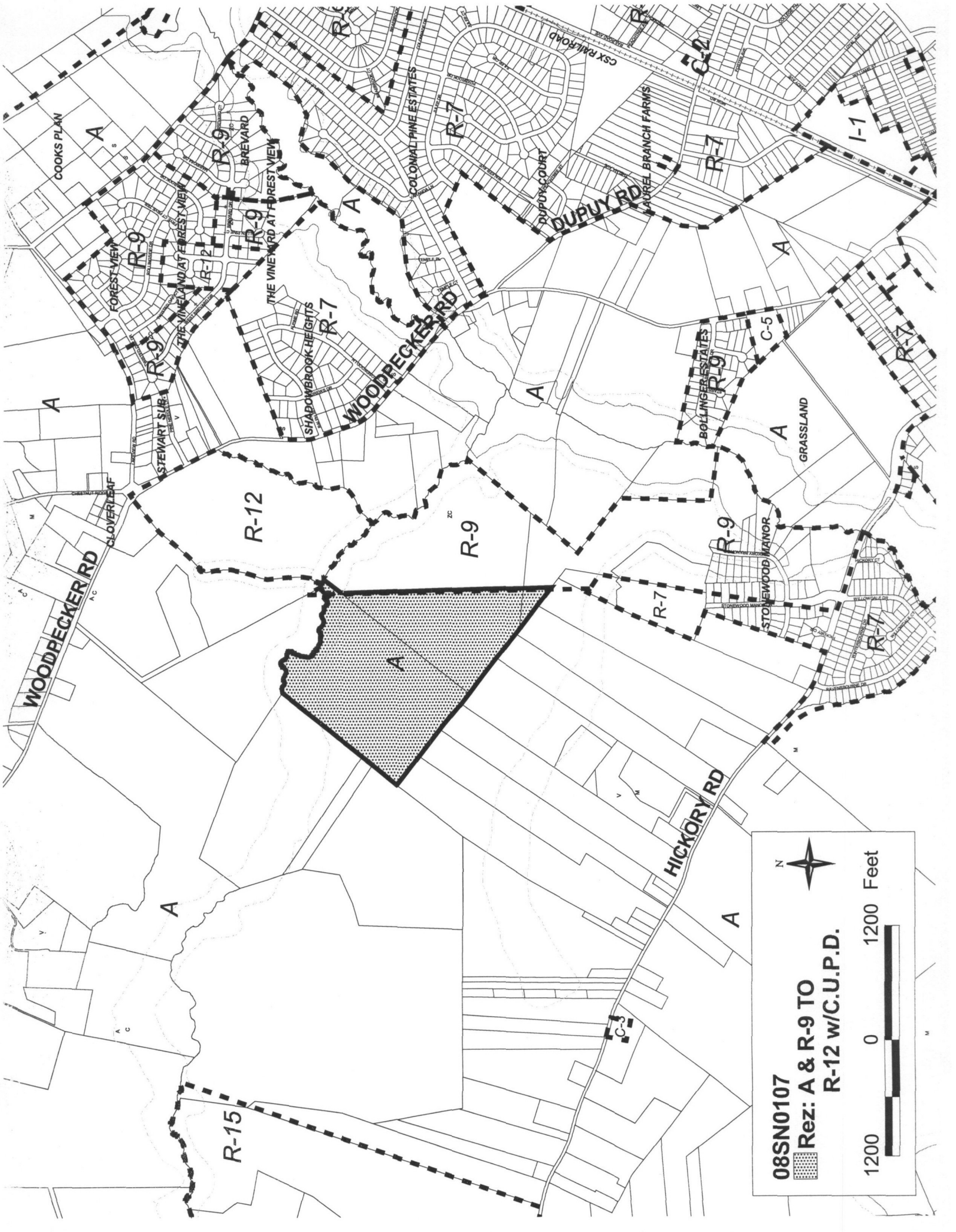
- a. Recreational uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation (i.e. picnic areas, trails, paths, sidewalks, ponds, open space and vistas) and active facilities (i.e. swimming pools, tennis courts, basketball courts, volleyball courts, playgrounds and clubhouses).
- b. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall only be used in conjunction with a pool.
- c. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirement so the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review.
- d. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These setbacks and buffers may be modified by the Planning Commission at the time of site plan review.

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July 16, 2007

John R. Easton
John R. Easton

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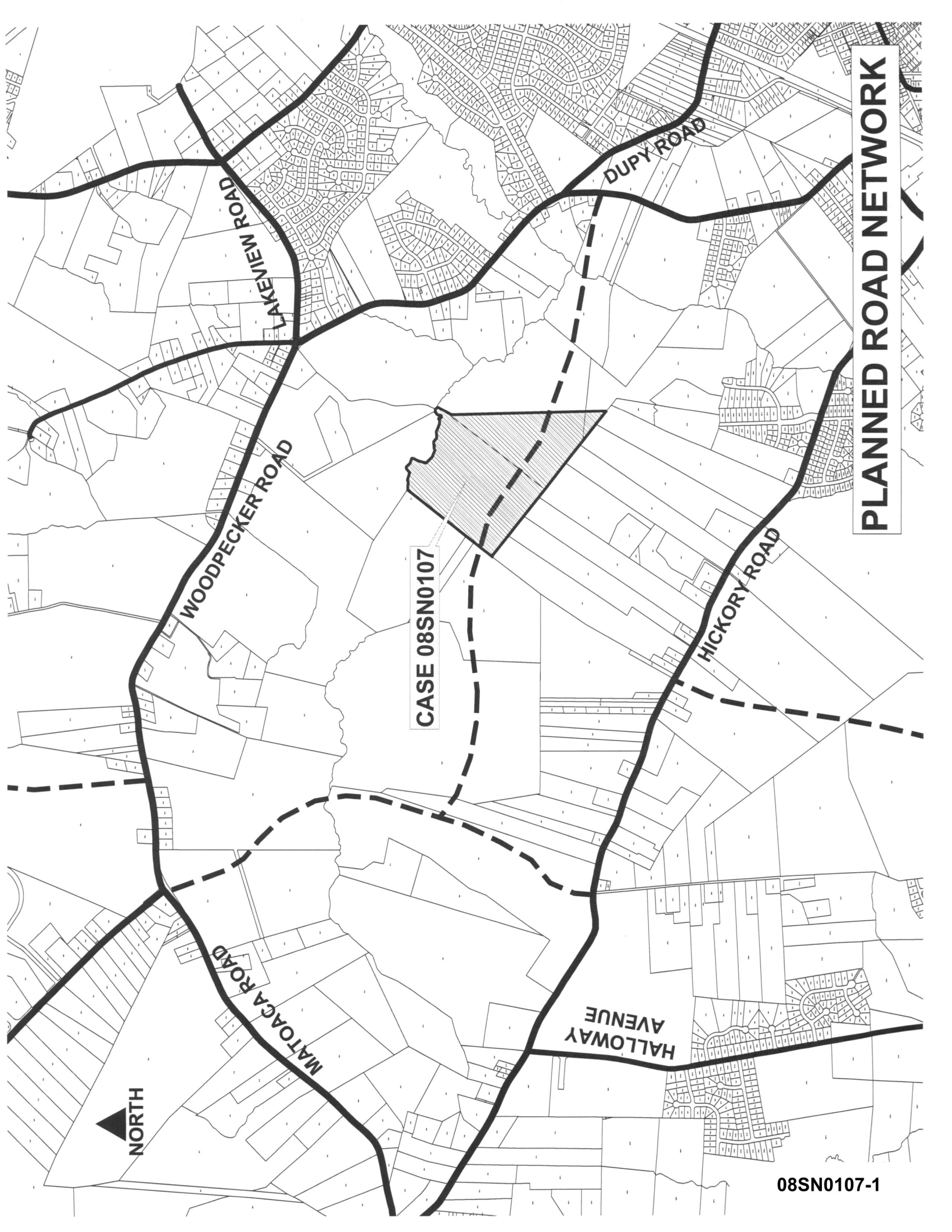


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PLANNED ROAD NETWORK

CASE 08SN0107

